

claimed are either independent or distinct, and (2) the reasons for insisting upon restriction therebetween as set forth in the following sections. (Emphasis in original.)

Applicants submit that, the Examiner has failed to provide a requisite basis for the Restriction Requirement per Part (1) of M.P.E.P. §808. Instead, the Examiner's comments regarding the restriction are merely conclusory. Furthermore, contrary to Part (2) of M.P.E.P. §808, the Examiner has provided insufficient reasons, as described in other sections of the M.P.E.P., for insisting upon restriction.

In any event, since the claims of group I and II are similar in subject matter, technology and application, there would be no significant burden placed on the Examiner to search and examine these two groups together.

For all of the above reasons, Applicants hereby traverse the Restriction Requirement since the restriction in this instance is improper and the Examiner failed to provide the proper analysis detailed explanation in the Restriction Requirement mandated by the rules and the searching and examining all of the claims at issue would present no significant burden on Examiner. For all of the above reasons, the Restriction Requirement is improper and should be withdrawn.

CONCLUSION

Applicants have restricted, with traverse, the present application to the set of claims the Examiner has identified as group I, that is the claims directed to the portable packaging device. The claims in this group are Claims 1-11. Because the Examiner has not satisfied the burden of demonstrating that restriction is proper, Applicants request reconsideration of the election of species requirement.

Respectfully submitted,

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